

THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 4108 OF 2007

Dated 30th March, 2007

Between:

Syeda Ayesha and another.

...Petitioner

And

N.T.R. University of Health Sciences,
Andhra Pradesh at Vijayawada,
represented by its Vice Chancellor and
another.

...Respondents.

ORAL ORDER:

The petitioners herein filed this writ petition for a writ of mandamus to declare the action of the respondents in awarding failed marks by undervaluing certain answers given by the first petitioner in the subjects of Medicine theory and oral final year MBBS Part-II examinations held in the month of September, 2006 and undervaluing the answers given by the 2nd petitioner in the subjects of Medicine Practical and Obstetrics/Gynecology theory plus oral examinations despite the answers stated by the petitioners being correct as arbitrary and illegal and to send the answer scripts of the petitioners to other experts other than that of the University for revaluation.

It is the grievance of the petitioners that though they had answered correctly, less marks were awarded. Both the petitioners appeared for final year Part-II M.B.B.S. examinations held in the month of September/October, 2006. So far as the first petitioner is concerned, she was declared failed in Medicine theory and orals. In the said subject, she secured only 64 marks out of 140, whereas the qualifying marks are 70. So far as the second petitioner is concerned, he was declared failed in two subjects i.e. in Medicine practical and Obstetrics and Gynecology theory and orals. In medicine practical examination, the second petitioner secured only 40 marks whereas the qualifying marks are 50 and in Obstetrics and Gynecology, he secured 48 marks in theory and orals as against the qualifying marks of 55.

On instructions, it is submitted by the learned Standing Counsel for the respondents that valuation was correctly done by

the examiners who are the experts in the field.

Except the assessment of the petitioners themselves as to the correctness of the answers, there is no other basis for filing this writ petition. Examiners who have necessary expertise in the subjects have evaluated the answers and awarded marks. Particularly, in essay type questions, it is not uncommon for award of marks in proportion to the correctness of the answer and it all depends on accuracy of the answer to a particular question. Mere assessment of a student cannot be the criterion. The award of marks always depends on the relevancy of the answer to the question, and the examiners who are entrusted with the job of evaluating answer scripts will award marks as per the correctness and relevancy of the answers. Further, merely because marks are not awarded as per the expectation of the petitioners, the same cannot be a ground to scrutinize the same in this petition filed under Article 226 of the Constitution of India.

It is, however, stated that the petitioners have subsequently applied for recounting of marks. If the said applications are filed, it is open for the respondents to consider such request as per the academic regulations.

The writ petition is devoid of any merits and the same is accordingly dismissed. No costs.

30-3-2007

VR

R.SUBHASH REDDY, J.